

Application Filing Directions

for an Aquatic Nuisance Control Permit
Under 10 V.S.A. Chapter 50 § 1455



An Aquatic Nuisance Control Permit (ANCP), per 10 V.S.A. Chapter 50 §1455, is required for activities used to control nuisance aquatic plants, insects or other aquatic life including lamprey in waters of the State of Vermont. The Vermont Department of Environmental Conservation (DEC), Watershed Management Division, Lakes and Ponds Management and Protection Section manages this permit program.

The following aquatic nuisance control methods require an aquatic nuisance control permit:

- Use of pesticides (any substance produced, distributed or used for preventing, destroying, or repelling nuisance aquatic vegetation, insects or other aquatic life including lamprey. Pesticides include unicellular organisms or extracts from unicellular organisms and does not include biological controls.)
- Use of the aquatic pesticide Aquashade®
- Use of copper compounds to control algae
- Use of chemicals other than pesticides
- Use of bottom barriers, laid on the lake bottom to inhibit nuisance plant growth)
- Use of powered mechanical devices (e.g. harvesters, hydro-rakes, motorboat-pulled cutter bars)
- Use of structural controls (e.g. physical barriers, etc.)
- Use of biological controls (e.g. multi-cellular organisms)

All of the activities listed above require an aquatic nuisance control permit except:

- Activities to control mosquitoes that are regulated by the Vermont Department of Agriculture, Food and Markets. Contact the toll free number 1-800-675-9873 for additional information.
- The use of “pond clarifiers” or products sold under various trade names containing bacteria that according to the labels “reduce sludge, odors and excess nutrients.” However, since the use of these products involves putting something into waters of the state, a discharge permit is needed for their use. Contact the DEC Wastewater Management Division at (802) 828-1535 for information.
- Pulling nuisance aquatic plants by hand.
- The use of bottom barriers, structural barriers, structural controls, powered mechanical devices, and copper compounds as an algaecide in waters with a surface area of one acre or less located entirely on a person's property and with an outlet where the flow can be controlled for at least three days.

Note: The use of pesticides, bottom barrier materials or powered mechanical devices may require coverage under a Wetlands Permit. Contact the VT Wetlands Office at (802) 828-1535 for additional information.

Determining Plant or Algae Type

Accurate identification of aquatic plants and algae is necessary to determine the appropriate course of action to correct a problem. Some control measures can actually cause an increase in the nuisance species. DEC biologists may be available to help identify plant or algae samples submitted to the Watershed Management Division. Call (802) 490-6120 for instructions on how to submit samples for identification.

Application Processing Time

An application for the use of Pesticides, Structural Controls or Biological Controls should be submitted at least 180 days before the proposed beginning date of the project. An application for the use of a Powered Mechanical Device or Bottom Barrier should be submitted at least 75 days before the proposed beginning date of the project. Generally, these time frames reflect the amount of time needed for final action on an application once it is accepted as complete. Application forms are revised periodically. Contact the DEC at 802-490-6133 to determine if you have the most current one.

Public Review and Comment Process

As required by 10 V.S.A., Chapter 50, Subsection 1455(h), the Secretary of the Agency of Natural Resources has adopted revised Public Review and Comment Procedures for Aquatic Nuisance Control Permit Applications and General Permits effective January 30, 2003. Upon receipt of a complete application for an individual aquatic nuisance control permit, the Department shall classify the proposed control activity as posing either negligible or more than negligible environmental risk. An opportunity for the public to review and comment on aquatic nuisance control applications will be based on the classification of the proposed control activity as posing either negligible or more than negligible environmental risk. If your project is deemed to be more than negligible environmental risk, you must include a list of all abutting landowner's contact information or prepare to place a public notice in the local newspaper.

The DEC will accept comments or requests for a public informational meeting during the requisite 10 day public notice period. A municipality or 25 or more persons of interest may request an informational meeting on a draft permit. If a meeting is held, the applicant will be required to explain the proposed activity.

Appeal Process

A decision by the Department to issue or deny a permit may be appealed to the Environmental Court, 2418 Airport Road, Suite 1, Barre, Vermont 05641-8701, telephone (802) 828-1660, within 30 days of the date the decision is issued, pursuant to 10 V.S.A. §1269.

Application Forms and Fees

A completed application form, all required application information and attachments, and the appropriate application fee must be submitted for your application to be deemed complete. Submit all materials and requisite fee (if applicable) to:

Vermont Department of Environmental Conservation
Watershed Management Division
1 National Life Drive, Main 2
Montpelier, VT 05620-3522

Application fees, effective 2004 pursuant to 3 V.S.A. Section 2822(j), are below:

Application Forms	Control Types	Fees	
		Private Ponds*	All Other Waters
Form A	Pesticides	\$75.00	\$500.00
Form B	Aquatic Pesticide Aquashade	\$50.00	\$500.00
Form C	Copper Based Products Used As Algicides	\$50.00	\$500.00
Form D	Chemicals Other Than Pesticides	\$75.00	\$500.00
Form E	Bottom Barriers	\$35.00	\$75.00
Form F	Powered Mechanical Devices	\$35.00	\$175.00
Form G	Structural Controls	\$75.00	\$300.00
Form H	Biological Controls	\$75.00	\$300.00

Private Ponds: natural ponds not more than 20 acres in size or artificial ponds of any size, owned by one person and located entirely on the owner's property, and stocked at the owner's expense with fish artificially hatched or reared, provided that the sources of water supply for the pond are entirely upon the owner's premises or that fish do not have access to the pond from waters not under the owner's control or from waters stocked at the expense of the state (defined in 10 V.S.A. Section 5210). If you believe your pond is private, please provide documentation to support this with your permit application.

Municipalities and any department of the Agency of Natural Resources are exempt from the application fee. Payment should be made payable to the State of Vermont.

Permit Duration

Permits for pesticides, Aquashade, copper based products, or chemicals other than pesticides may be issued for up to five years. Permits for bottom barriers, powered mechanical devices, structural controls, or biological controls may be issued for up to ten years.

Requests for Permit Modifications

Requests for modifications to an existing Aquatic Nuisance Control Permit are determined by DEC to be either minor or major. Minor modifications are typically a change to some detail contained in a permit condition. They do not require a review of the findings of the permit. Major modifications typically require the Department to re-visit one or more of the findings required for that control activity to assure that the finding can still be made.

A minor modification request should be made by the permit holder in the form of a letter addressed to the DEC. A major modification request should be submitted by the permit holder by completing an appropriate permit application form for the control activity and submitting the application to the DEC. The appropriate application fee must accompany the application form. Major modifications are subject to public notice.

Any questions? Please contact the Matthew Probasco, Aquatic Nuisance Control Permit Program Coordinator at (802) 490-6133 or via email at Matthew.Probasco@state.vt.us.